

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:17-CV-183-D

TONY F. DRAUGHON,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

**ORDER**


On June 1, 2018, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 20] and recommended that this court grant defendant’s motion to dismiss for failure to state a claim upon which relief can be granted [D.E. 15]. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 20].

In sum, defendant's motion to dismiss [D.E. 15] is GRANTED, and this action is DISMISSED without prejudice for failure to exhaust administrative remedies. The clerk shall close the case.

SO ORDERED. This 25 day of June 2018.

  
\_\_\_\_\_  
JAMES C. DEVER III  
Chief United States District Judge